

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD J. ALLISON,
 Plaintiff(s),

v.

SOCIAL SECURITY ADMINISTRATION,
 et al.,
 Defendant(s).

Case No. 2:21-cv-01769-JAD-NJK

REPORT AND RECOMMENDATION

District courts have the authority to dismiss cases *sua sponte* without notice to the plaintiff when he “cannot possibly win relief.” *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 638 (9th Cir. 1988).¹ A complaint should be dismissed for failure to state a claim upon which relief may be granted “if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to relief.” *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992). A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or delusional factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Moreover, “a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). When a court dismisses a

¹ The Court has previously cautioned Plaintiff for repeatedly filing new civil cases without paying the filing fee or filing an application to proceed *in forma pauperis*. *Allison v. Clark Cnty.*, 2021 U.S. Dist. Lexis 154723, at *2 (D. Nev. July 27, 2021). Despite that warning, Plaintiff initiated this case without either paying the filing fee or filing an application to proceed *in forma pauperis*. See Docket No. 1. Given the Court’s separate ability to dismiss the complaint pursuant to the authority cited above, however, the Court need not proceed through the process of allowing time to pay the filing fee or to file an application to proceed *in forma pauperis*. The Court **ADMONISHES** Plaintiff for continuing to engage in improper litigation tactics despite an order cautioning him against this very behavior.

1 complaint, the plaintiff should be given leave to amend with directions as to curing its deficiencies,
 2 unless it is clear from the face of the complaint that the deficiencies could not be cured by
 3 amendment. *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).²

4 Plaintiff sues, among other defendants, the Social Security Administration on the grounds
 5 that taxpayer money is being improperly used to pay for mental health programs. *See* Docket No.
 6 1 at 1-2. In particular, Plaintiff alleges that procedures and treatments in the State's mental health
 7 facilities are designed to increase the costs that are paid by the Social Security Administration.
 8 *See, e.g., id.* at 2 ("they Drag their feet to Embezel [sic] Federal Funding").³ Based on this alleged
 9 scheme to defraud the federal government, Plaintiff's seeks \$500,000,000,000 in damages for
 10 himself and others similarly situated. *See id.* at 1.

11 The complaint is frivolous and delusional, and does not state a claim upon which relief can
 12 be granted. Accordingly, the undersigned **RECOMMENDS** that Plaintiff's complaint be
 13 **DISMISSED** with prejudice.

14 Dated: September 27, 2021

15 
 16 Nancy J. Koppe
 17 United States Magistrate Judge

18 **NOTICE**

19 This report and recommendation is submitted to the United States District Judge assigned
 20 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
 21 recommendation must file a written objection supported by points and authorities within fourteen
 22 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
 23

24 _____
 25 ² Courts have a duty to construe *pro se* filings liberally. *E.g., Blaisdell v. Frappiea*, 729
 26 F.3d 1237, 1241 (9th Cir. 2013).

27 ³ The complaint at times veers off course, including appearing to allege a larger conspiracy
 28 among judges, attorneys, and others who are allegedly engaging in a crime by denying bail and
 requiring mental health treatment. *See* Docket No. 1 at 4. Similar allegations have elsewhere been
 dismissed as frivolous and delusional. *See Allison*, 2021 U.S. Dist. Lexis 154723, at *1-2, *adopted*,
 2021 U.S. Dist. Lexis 152671 (D. Nev. Aug. 12, 2021).

1 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
2 F.2d 1153, 1157 (9th Cir. 1991).